

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

MICHAEL BERNARD ANGE, III,

Plaintiff,

v.

ACTION NO. 2:19cv557

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

FINAL ORDER

Plaintiff Michael Bernard Ange, III, proceeding pro se, brought this action under 42 U.S.C. §§ 1383(c)(3) and 405(g) seeking judicial review of the decision of the Commissioner of the Social Security Administration denying his claim for supplemental security income benefits.

This matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Local Rules of the United States District Court for the Eastern District of Virginia, for a report and recommendation. ECF No. 10. The Report and Recommendation of the Magistrate Judge was filed on May 6, 2020, recommending that the Court GRANT the

Defendant's Motion to Dismiss for Failure to Prosecute.¹ ECF No. 16. By copy of the Report and Recommendation, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. No objections were filed by either party.

Having reviewed the record, and finding no error, the Court hereby **ADOPTS** the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed on May 6, 2020. Therefore, Defendant's Motion to Dismiss for Failure to Prosecute (ECF No. 12) is **GRANTED**, and Plaintiff's claims are **DISMISSED with prejudice**.

Plaintiff is **ADVISED** that he may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street,

¹ The Court entered an Order on January 16, 2020 setting out a briefing schedule in which Plaintiff was directed to file within 30 days a Motion for Summary Judgment with memorandum supporting his contentions and containing a statement of undisputed facts. ECF No. 11. Plaintiff failed to file a Motion for Summary Judgment, or otherwise respond to the Court's direction, by the deadline date, and on March 2, 2020, Defendant moved to have the case dismissed for lack of prosecution. ECF Nos. 12-13. Plaintiff also failed to respond to Defendant's Motion to Dismiss. Because Plaintiff failed to respond to the Court's briefing order, on April 9, 2020, the Court issued a Show Cause Order directing Plaintiff to show cause why his Complaint should not be dismissed for failure to prosecute or to comply with the Rules and Order of this Court. ECF No. 15. Plaintiff also failed to respond to the Show Cause Order. In fact, the Court has not received any communication whatsoever from Plaintiff since the filing of his Complaint.

Norfolk, Virginia 23510. Said written notice must be received by the Clerk within sixty (60) days from the date of this Final Order.

The Clerk shall forward a copy of this Final Order to Plaintiff and to counsel of record for Defendant.


/s/

Mark S. Davis
United States District Judge

Norfolk, Virginia
June 2, 2020